

June 28, 2004

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater then met in regular session on Monday, June 28, 2004 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Key, Councilors Kelley, Records, Woods, Humbert and Lyon. Staff members present were City Manager Delphine Palmer, Assistant City Manager Linda Hall, Fire Chief Sam Hubbard, Public Works Superintendent Howard Moss, Police Chief Mike Gallaher, Electric Superintendent Mike Charlo, City Planner Gina Hartzheim, Library Director Robert Jones and Finance Director Dave Richmond. Citizens present were Colleen Reed, Diane Simon, Gerald, Simon, Floyd Lewis, Joanne Ray, Frances Ray, Laura Ray, John Molk, Les Ray, Debi Ray, Frank Ray, Tom Darnell and Merle Sherman.

Members of the press present were Melanie Hall of the Valley Herald and an unknown reporter from the Walla Walla Union Bulletin.

CONSENT CALENDAR ITEMS: The consent calendar consisted of minutes from the May 24, 2004 council meeting. Councilor Records motioned to adopt the May 24, 2004 council minutes. Councilor Woods seconded the motion which passed unanimously.

Mayor Key announced this was the opportunity for citizens to approach the council with issues not on this agenda.

Tom Darnell, 1711 Oak Street, stated that there was increasing crime in his neighborhood with the most recent and serious crime being a drive-by shooting. Our neighborhood is very concerned and expressed their concern at a meeting last week where approximately fifty (50) of the neighbors showed at a meeting with Police Chief Mike Gallaher. The main issue is the possibility of organizing a neighborhood watch program, and Mr. Darnell stated he was confident that it will happen. Another issue discussed by Chief Gallaher, is that properties need to be kept up, which Mr. Darnell thought was already happening in his area, yet when Mr. Darnell drove around some surrounding neighborhoods, he felt that he was seeing the other extreme. A burned out home is at 212 NW 8th, a vacant house overgrown with weeds and brush at 130 Broadway Street, and another vacant house that has been broken into at 1519 Walnut. Mr. Darnell said he did not know what may be required of the City, but this is a portion of crime prevention that Mr. Darnell would like to be instituted in the neighborhood. Another issue discussed were signs that could be purchased by neighborhood residents, but Chief Gallaher was not sure if the City ordinances would allow neighborhoods to install them throughout the neighborhood. Another problem was the bridge on 15th Street. Mr. Darnell was not sure whether this was City jurisdiction or County, but wanted some cooperation with the gang graffiti underneath the bridges. Another issue, while Mr. Darnell was looking at the City's website to find the agenda for tonight's meeting, the only agenda was for the

March 22nd City Council meeting. As a citizen that uses the web, Mr. Darnell stated he would appreciate the website to be kept current. If not, the website does not carry much value. Last, while working with Oregon State University's Resource Economics Department, Mr. Darnell said there is a graduate student working in Milton-Freewater to help determine a value for water that the irrigators are being asked or required to give up for fish and instream uses. Mr. Darnell stated this would be very beneficial to the community when she gets this done.

City Manager Delphine Palmer stated that one of the goals of the council is to establish a block watch or neighborhood watch program in the community in addition to our Police Department's volunteer VIPS program, and Council supports these kind of programs. The signage has been discussed and it has been decided to obtain stand-alone poles with the signs so that the signs stand out. Ms. Palmer further stated that she felt City Planner Gina Hartzheim and/or Public Works Superintendent Howard Moss could address the other issues. Ms. Hartzheim stated she had just had a visit regarding the NW 8th house and the demolition of that house will be applied for this week, and Ms. Hartzheim further said this property has been in the works as the owner has interest in re-building as well, so there should be some definite improvement. Mr. Moss stated the excavator moved in this afternoon as there was some pressure placed on the property owner to do something with the property.

Councilor Kelley stated that signage had been done in her neighborhood during an active neighborhood watch program, and those signs are still up on the STOP signs and other types of signs around SE 11th, 12th, 13th, 14th on this side of Grove from Mill Street to the Walla Walla River. Councilor Kelley said they were legal to install before, so thought they should be legal to install now. Councilor Kelley further said their neighborhood watch program had support from Cellular One in that they donated cell phones to use while walking to alert our police officers. She said they had vests and maglites to use as well.

Diane Simon, 420 Elzora, stated she had put together a pamphlet and letter with pictures and was curious on the ordinances to the clutter and the mess she must endure looking at from her property in Mason Grove Apartments. Ms. Simon said she didn't feel she was going to get the solid fence so as to not look at the mess, so that there is privacy. Also, since there is such a terrible problem with no parking, could the City put more signs up on that side of the street and also can we get a STOP sign? Ms. Simon stated she had contacted Public Works Superintendent Howard Moss in the past without response. Ms. Simon also stated that there was no notification given to anyone in the neighborhood regarding the Braeburn addition, that they just came home to their yards all torn up. There are still neighbors that cannot access their homes because of the development.

Laura Ray, 165 SE 5th, spoke on behalf of her parents Frances and Joanne Ray who live on the corner of Elzora and N.E. 4th Streets. Ms. Ray stated that on June 21st she went to the Planning Department at City Hall to obtain a copy of the boundary line adjustment and was told she needed to go to Pendleton and when she went to Pendleton she was told the paperwork was at the City and that she had a right to a copy of the boundary line

adjustment. Ms. Ray stated she was informed by the Public Works Manager (Public Works Superintendent Howard Moss) that the corner on her parents property could have an additional twelve plus feet taken from their yard. As mentioned before, there was no notification as her parents came home from a doctor appointment and found seven and one half (7.5) feet of their front yard missing. Ms. Ray further invited council to visit her parents property to see what has been done. Ms. Ray stated she understood this would all be taken care of, but continued with the idea that nobody would like to have their property treated as her parents have. Also, Ms. Ray said, regarding the fence, that nobody was aware of the fact that people go outside and urinate on the building, that from the living room in her parents home when there is a party in that neighborhood, adult men disrobe and urinate on the building. Ms. Ray stated she was told there was nothing the City could do about the encroachment of her parents property, and she felt there should be something the City can do for these neighbors as they are hard working, tax paying, peaceable people.

City Manager Delphine Palmer stated we had gotten into a discussion the City did not want to get into for litigation purposes, but asked if Public Works Superintendent wanted to address anything about the situation because Ms. Palmer felt they were speaking with the wrong party, that these issues should be addressed with the contractor.

Public Works Superintendent Howard Moss explained there was an existing 32.5-foot road right-of-way that enters the subdivision. It was known that the curbs on the west side of Elzora Street would be directly on the property line in order to accomplish a 30-foot street with a 5-foot sidewalk. The contractors began excavation on the project and he did encroach on the Ray property and some other properties. The contractor discussed that they did notify, at least in some point in the past. It will be the City's responsibility to ensure that the contractor restores the property back to its original condition. Mr. Moss continued saying he will place sufficient signs on the east side of Elzora Street to the extent that our police department can enforce that.

A discussion ensued.

Les Ray, 432 Miller, stated that in the minutes of the Planning Commission, Rick Currin stated there would be a fence from Mr. Ray's property, which is joining space #1, through space #11. Mr. Ray said he wanted to install a better fence consistent with whatever fencing the contractor installed, but when speaking with one of the contract employees, Mr. Ray was informed that the contractors were no longer planning the installation of the fence, that whoever purchases the property will be responsible for installing a fence of their choice. Mr. Ray asked if the contractors had to abide by the Planning Commission. Mr. Ray further said that the fence from his property line to the Ray property on the corner needs to be a more solid fence for safety.

City Planner Gina Hartzheim stated there was not a regulation that requires fencing in subdivisions. This was something that appears to be an agreement with the developer. Mr. Les Ray then asked if the minutes were not part of the plan. Floyd Lewis, 522 Rose Street, stated that was done in a planning commission meeting and was approved there

and made part of the plan and there should not be anybody reneging on it now. Then Mr. Lewis stated some comments as first, he wanted to complement the contractors saying they have tried to be good neighbors. There were some heated issues earlier, but the contractors have done a good job since those earlier issues have been resolved. The planning commission minutes of May 5, 2003 state that Mr. Currin has agreed to fence the area from Lot #1 through Lot #11 with a 6-foot high wooden fence. Mr. Lewis continued saying only half of the fence has been completed, giving road access to Rose Street, which was not the intent. The intent was the road access on Elzora Street.

Mr. Currin explained that the fence would be completed.

A discussion ensued.

Mr. Moss said these issues that are being discussed are common when a new subdivision is being developed and further said, that when this development is finished, the subdivision will be very nice.

Colleen Reed, 528 Rose Street, addressed Council regarding the pumps on the sewer system, saying that she spoke with DEQ in Pendleton and was told that it was odd to have a manhole cover so close to a home, but due to an uphill grade, if there were two pumps it would be okay. Mr. Moss said that the discussion regarding two pumps would be if one pump failed, but that it would not take two pumps for the sewer system.

Andy Millar, Attorney for Frances and Joanne Ray, passed photos to the Council of the home of Mr. and Mrs. Ray showing the alleged encroachment. Mr. Millar stated that had the Rays been notified, that if the attitude of City employees were different, that things may be different, but their position now is that nothing will happen inside the 31 inches without an easement granted.

Sandro Negrete-Miranda, 221 N.W. 2nd Street, said the City needed signatures to get a fence up within 15-feet of the existing property. Assistant City Manager Linda Hall asked if the signatures had been presented to the planning department so that it could be placed as an agenda item to present to the Council. Mr. Negrete-Miranda said he had not done that. Ms. Hall said that was his next step.

Joanne Ray, 915 N.E. 4th Avenue, stated that a solid fence across the street from her property was a necessity.

Judy Partin, 426 Miller, stated her concerns with the fence is that it is a very dangerous situation with only one access in and out, and in her back yard there are very young children.

NEW BUSINESS

ELECTION OF COUNCIL PRESIDENT. Assistant City Manager Linda Hall stated this was not an agenda item that anyone planned. While we are all united in the loss of Councilor Saager and miss him very much, Councilor Saager would want the Council to move forward and in January of every odd year, the Council is bound by Charter to elect a president from amongst its members. The president serves in the Mayor's stead when the Mayor is unable to attend, and the council president is also used as a second signatory for security purposes on many of our City checking accounts. For this reason we have brought this business item before you to choose a council president to fulfill the duration of Councilor Saager's term.

Councilor Lyon moved to elect Councilor Kelley as Council President in respect of her seniority and excellent work with the Council. Councilor Records seconded the motion which passed unanimously.

PUBLIC HEARING AND RESOLUTION NO. 1958 – STATE REVENUE SHARING.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

No ex parte contact was declared.

Mayor Key asked if notice of hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key invited citizens to come forward to address council regarding the use of State Revenue Sharing funds. None approached.

Mayor Key asked if Council had any questions. There were none.

Mayor Key declared the hearing closed.

Finance Director Dave Richmond explained State Revenue Sharing funds as \$40,560.00 from the State of Oregon to be used for police and fire public safety. Mr. Richmond further recommended that Council approve this revenue source.

Councilor Kelley moved to adopt Resolution No. 1958 to Declare the City of Milton-Freewater Election to Receive State Revenues. Councilor Woods seconded the motion which passed unanimously.

*Councilor Humbert moved to discuss Item #4E Establishing Rates before discussing Item #4C Adopting the Budget.

RESOLUTION NO. 1964 – ESTABLISH RATES FOR MUNICIPAL GOLF COURSE

Councilor Humbert stated he had received several phone calls regarding Resolution No. 1964 that would establish rates for the Municipal Golf Course. The point that most citizens made was that the golf course was self-supporting last year so what is the reasoning for raising rates? Councilor Humbert showed a chart which showed single, family, and seasonal rates at area golf courses and also showed that Milton-Freewater golf course was significantly lower in rates than other local courses.

A discussion ensued.

Merle Sherman, 716 Pierce, stated that since his retirement he goes golfing up to six times weekly and has played golf with several different individuals. Many have said they will not pay the Milton-Freewater rate, but instead will purchase a punch card at either Walla Walla or Wildhorse.

Public Works Superintendent Howard Moss stated the City has an executive golf course with many amenities not attributed to other area golf courses, and that he has extensive rate comparisons. Mr. Moss further stated that the Public Works department has not received any complaints or concerns about the rate increase.

Discussion continued.

Councilor Kelley moved to adopt Resolution No. 1964 Establishing Rates for the Municipal Golf Course as written. Councilor Woods seconded the motion, but motion failed. Councilor Woods asked how this would affect the FY05 budget and Mr. Moss stated the golf course could not run in the black without a rate increase due to unfunded and mandated costs, increase in fuel costs, etc.

A discussion ensued.

Councilor Humbert moved to adopt Resolution No. 1964 Establishing Rates for the Municipal Golf Course as written with a six-month trial period to monitor increase/decrease of usage. Councilor Kelley seconded the motion which passed unanimously.

RESOLUTION NO. 1963 Establishing Rates for Solid Waste Collection AND RESOLUTION NO. 1962 Establishing Rates for Water AND RESOLUTION NO. 1961 Establishing Rates for the Aquatic Center. Public Works Superintendent Howard Moss stated that with the water program, the 5% increase will help build a capital fund to replace some systems in the City dated pre-1940. As with Solid Waste, Mr. Moss stated he was very proud of our system as it was perhaps one of the cheapest in the nation, but knows it is the cheapest in the Northwest, but a rate increase is necessary to fund catastrophic events. Mr. Moss further stated that the City has a fifth well impregnated with air.

A discussion ensued.

Councilor Woods had one question regarding the Aquatic Center asking what the definition of a “family” is. Mr. Moss said up to five (5) members. Councilor Woods asked very specifically for a definition of family other than five (5) individuals. Mr. Moss stated that a family was five (5) individuals living together as a family. Assistant City Manager Linda Hall stated that the United States Supreme Court struggles with the definition of the family and that she thought it more prudent to deal with citizens separately that feel they have been wronged somehow with our family pass program at the Aquatic Center.

Councilor Humbert moved to adopt Resolution No. 1961 Establishing Rates for the Aquatic Center, Resolution No. 1962 Amending Water Rates and Resolution No. 1963 Amending Solid Waste Collection Charges, all as written. Councilor Kelley seconded the motion which passed unanimously.

Council took a break at 8:55 p.m. and reconvened at 9:10 p.m.

REQUEST for Exception Of Code To Construct Sidewalks On Only One Side Of The Braeburn Addition. Rick Currin, developer of the Braeburn addition, addressed Council requesting an exception to the code to construct sidewalks on one side only of the Braeburn addition.

A discussion ensued.

Councilor Humbert moved to construct sidewalks on the outer perimeter of the Braeburn subdivision and delete the sidewalks planned on the inner perimeter of the Braeburn subdivision with the addition of two crosswalks with ADA (American Disabilities Act) accessible ramps. Councilor Kelley seconded the motion which passed unanimously.

PUBLIC HEARING AND RESOLUTION NO. 1959 ADOPTING FY05 BUDGET.

Mayor Key opened the hearing and summarized the rules for Public Hearing.

Finance Director Dave Richmond reported saying that prior to July 1st of each year, the City presents to the Council a budget that has been amended and approved by the Budget Committee. Mr. Richmond took the opportunity to thank the Budget Committee members for all the work they did. The Budget Committee motioned to approve the budget and levy taxes at the rate of \$3.7499 per \$1,000 of assessed value and \$115,000 for bonded debt. This is reflected in the Resolution before Council this evening. According the Oregon Budget Law, the City is required to submit the approved budget to the County Assessor before July 15, 2004. Mr. Richmond recommends motion to adopt the budget for the 2004-2005 fiscal year in the sum of \$21,719,541, levy taxes at the rate of \$3.7499 per \$1,000 of assessed value for operations and in the sum of \$115,000 for bond debt, and make appropriations as listed on Resolution No. 1959. Mr. Richmond

further stated that there were some small rate increases; however, the City did not increase the sewer rate nor the electrical rate.

No ex parte contact was declared.

Mayor Key asked if notice of hearing had been published according to law. Assistant City Manager Linda Hall stated that this had been done. Mayor Key then asked if there had been any written comments. Ms. Hall replied that none had been received.

Mayor Key invited citizens to come forward to address Council regarding the FY05 Budget. None approached.

Mayor Key asked if Council had any questions. There were none.

Mayor Key declared the hearing closed.

Councilor Kelley moved to adopt the Budget for the 2004-2005 fiscal year in the sum of \$21,719,541, levy taxes at the rate of \$3.7499 per \$1,000 of assessed value for operations and in the sum of \$115,000 for bond debt, and make appropriations as listed on Resolution No. 1959. Councilor Records seconded the motion. The motion passed with Councilors Lyon, Woods, Records and Kelley voting yeah, and Councilor Humbert voting nay.

RESOLUTION NO. 1960 Transferring Funds Due To Unplanned Circumstances.

Finance Director Dave Richmond stated that during the current budget year, events have occurred that were not foreseen at the time the budget was prepared. The amount needed to cover defense and prosecution court expense due to the large number of jury trials, City Manager computer equipment expense, Finance department computer software expense and expensing a \$5,000 donation for new computers plus additional library expenditures. Also, \$154,749 will be carried forward into the FY05 budget year for an Oregon State Preservation/Modernization Grant for street improvement.

Councilor Humbert moved to adopt Resolution No. 1960 Transferring funds due to unplanned circumstances. Councilor Lyon seconded the motion which passed unanimously.

REQUEST For the Use of the Golf Course by the Jaycees for the 4th of July Fireworks Display. Assistant City Manager Linda Hall stated that for the past several years the Jaycees club has sponsored the community 4th of July firework display. They are asking Council's permission to use the upper-9 area of the golf course where they would close the course for a limited number of hours to stage the show. They are asking the close the course at 5:30 p.m. and Public Works Superintendent Howard Moss has agreed to this.

Councilor Woods asked if the gates could be opened for the 4th of July event to accommodate participants as well as for emergency purposes. It was agreed this was a good idea.

Councilor Kelley moved to approve the Request by the Jaycees for the Use of the Golf Course for the 4th of July Fireworks Display 2004 as proposed. Councilor Humbert seconded the motion which passed unanimously.

BID AWARD for Food Service Contract for Aquatic Center Concessions. Public Works Superintendent Howard Moss stated that the City had contracts with two different vendors in the past and it is time to enter into a new contract. The way the contract specifications are set up the City awards for one (1) business season, and if service is satisfactory the contract may be extended for an additional four (4) years. Vern's Distribution was the only proposal, so this is a single vendor award to Vern's Distribution in the estimated amount of \$20,000 for the balance of the season.

Councilor Woods moved to award the bid to Vern's Distribution in the amount of \$20,000 as specified. Councilor Humbert seconded the motion which passed unanimously.

MANAGER'S REPORT

City Manager Delphine Palmer stated that as a result of an article in the Walla Walla Union Bulletin a while ago, the City had a reporter that flew into town from the New York Times Seattle office, and has provided a great deal of free publicity. Ms. Palmer showed the newspaper article. As a result of the article in the New York Times, articles appeared in newspapers in San Diego, San Francisco with individual comments from Florida, Oklahoma, Montana, and all over. Ms. Palmer stated that she was also on two nationwide radio talk shows and ABC Sunday evening news. Emails and letters are pouring in with the idea of visiting our City. The City wants to get the Chamber of Commerce involved to go forward with this and capitalize on the publicity. Ms. Palmer further said that Mike Onstot was at the meeting and he had a frog towing a car painted on his tow truck.

Ms. Palmer said she was planning a Department Head retreat to discuss ideas to bring back to Council.

COUNCIL ANNOUNCEMENTS

Councilor Humbert announced that if anyone needed a world-class frog, he is raising them in an Olympic-size pond for the Muddy Frogwater races and there are dozens of them.

There being no further Council business, the meeting was adjourned to the URA session at 9:35 p.m.

Lewis S. Key, Mayor